

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES BASS,

Plaintiff,

- against -

SYRACUSE UNIVERSITY

Defendant.

Docket No. 5:19-CV-0566 (GTS/ATB)

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff James Bass (“Bass” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Syracuse University (“Syracuse” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted photographs of members of the Syracuse basketball team, owned and registered by Bass, a professional Photographer. Accordingly, Bass seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b).

PARTIES

5. Bass is a professional Photographer in the business of licensing his photographs for a fee having a usual place of business at 8417 Oswego Road #252, Baldwinsville, New York 13027.

6. Upon information and belief, Syracuse has place of business at 900 South Crouse Avenue, Syracuse, New York 13244.

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. Bass photographed members of the Syracuse basketball team (the "Photographs").

8. Bass is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs were registered with United States Copyright Office and were given Copyright Registration Numbers VA 2-144-185, and VA 2-144-186.

B. Defendant's Infringing Activities

10. Bass photographed members of the Syracuse basketball team for the team's social media.

11. Syracuse ran the Photographs on billboards, tickets, programs, etc. See Exhibits A and B.

12. Syracuse did not license the Photographs from Plaintiff for other uses besides social media, nor did Syracuse have Plaintiff's permission or consent to publish the Photographs other than social media.

CLAIM FOR RELIEF

(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Syracuse infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Websites. Syracuse is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Syracuse have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Syracuse be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded punitive damages for copyright infringement;
5. That Plaintiff be awarded its attorney's fees and costs;
6. That Plaintiff be awarded pre-judgment interest; and
7. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
May 13, 2019

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